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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

JAMES ARLIN THOMPSON,

Plaintiff,

v.

607CV042

DON JERRIEL, Warden ; WAYNE
JOHNSON, Warden of Care and
Treatment; JOE TAYLOR, Medical
Director, and Dr. ZELLNER YOUNG,

Defendants.

ORDER

42 U.S.C. § 1983 inmate/plaintiff James Arlin Thompson impliedly appeals (doc. ## 11-12)¹ this Court's Order and Judgment dismissing his case with prejudice on the merits (*i.e.*, he failed to allege "constitution-grade" medical and other claims). Doc. ## 7, 9, 10. He also moves the Court for leave to appeal IFP. To succeed, he need not show that he will prevail on appeal, only "that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000).

Plaintiff's moving papers, however, cite to nothing showing the F.R.Civ.P. 61-level prejudice needed to demonstrate the good faith 28 U.S.C. § 1915(a)(3)/F.R.App.P. 24(a) demands. *See Hamilton v. Downs*, 68 F.Supp.2d 1380, 1382-83 (S.D.Ga. 1999). Indeed, he presents no issues on appeal, and nothing from his prior filings leaps out at the Court on that score. Accordingly, his IFP motion (doc. ## 11-12) is **DENIED**.

¹ Thompson, proceeding *pro se*, neglected to file a formal Notice of Appeal but he did file *in forma pauperis* (IFP) paperwork, thus evidencing an intent to appeal, and that is sufficient to imply an appeal under F.R.App.P. 3(c)(4).

Pursuant to Eleventh Circuit policy, appellate fees are collected even if leave to proceed IFP on appeal is denied. *See* 28 U.S.C. § 1915(b) ("Notwithstanding subsection (a), if a prisoner brings a civil action *or* files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of the filing fee") (emphasis added) and F.R.App.P. 3(a)(1) and (2) (a litigant brings an appeal merely by filing a Notice of Appeal). Thus, the Clerk shall assess him the \$455 appellate filing fee. *Bettis v. Jail Admin.*, 07-12549-E (11th Cir. 10/9/07) (unpublished).

This 30 day of October, 2007.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

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U.S. DISTRICT COURT
SAVANNAH DIV.
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SO. DIST. OF GA.
